

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. On October 25, 2001 the petitioner applied for EA and/or GA for a deposit on an apartment she was moving into. At the time, the petitioner was staying in a shelter for battered women. Her children were in foster homes in SRS custody. The petitioner had a doctor's statement saying that she would be unable to work at least until December 10, 2001.

3. The petitioner is eligible for a Section 8 rent subsidy. Because she had no income her share of the rent for the apartment she was moving into was \$0.

4. The Department granted the petitioner GA for personal needs in an amount of \$28 every two weeks. It denied the petitioner's application for EA for the deposit because the petitioner had already received this form of assistance in the previous 12 months. The Department denied the petitioner's application for GA for the rent deposit because deposits are not covered under GA.

5. Following the Department's denial the petitioner was able to obtain donations from area charities and relatives for \$350 toward her deposit. She then negotiated an agreement with her landlord, who allowed her to move into the apartment with a \$350 deposit.

6. A hearing in the matter was held on November 29, 2001. At that time, the petitioner conceded that she no longer needed a rent deposit, but she thought she should be getting more than \$56 a month in GA for her ongoing personal needs.

ORDER

The Department's decisions is affirmed.

REASONS

Emergency Assistance (EA) is available only to individuals "living with" a needy child under the age of 21, and only for "one period of 30 consecutive days in any 12-consecutive month period". W.A.M. § 2800. There is no dispute in this matter that the petitioner meets neither of these eligibility criteria for EA.

As a general matter the General Assistance (GA) regulations require the Department to assist eligible individuals with emergency needs when they have exhausted all available income and resources. See W.A.M. 2600 A and B. However, the regulations specifically prohibit the provision of certain kinds of assistance in relation to "housing" requests as follows:

. . . Deposits or security payments shall not be authorized.

W.A.M. § 2613.1

No argument has been offered by the petitioner that the Department has misinterpreted or misapplied this provision or that it is in conflict with state law.

The regulations further provide that the 14-day maximum GA payment for "groceries and personal needs" is \$28 for a one-person household. W.A.M. § 2611. The petitioner cites no

provision in the regulations or personal circumstances justifying assistance greater than this amount.

Inasmuch as the Department's decisions in this matter were in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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